

City Council Introduction: Monday, June 7, 2004
**Joint Public Hearing of the Lincoln City Council
and Lancaster County Board of Commissioners:
Tuesday, June 15, 2004, 4:00 p.m.**

Bill No. 04R-138

FACTSHEET

TITLE: COMPREHENSIVE PLAN AMENDMENT NO. 04016, by the Director of Planning, at the request of Mark Hunzeker for Larry Coffey, to amend the 2025 Lincoln/Lancaster County Comprehensive Plan to identify a "Northwest Tier Study" of land in Tier III of the Urban Growth Tiers, generally located from Northwest 27th Street, north of Highway 34 to West "O" Street, west of Northwest 56th Street.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 05/19/04
Administrative Action: 05/19/04

RECOMMENDATION: Approval (6-0: Carlson Marvin, Taylor, Carroll, Krieser and Bills-Strand voting 'yes'; Larson, Sunderman and Pearson absent).

STAFF RECOMMENDATION: Approval.

FINDINGS OF FACT:

1. The staff recommendation of approval is based upon the "Status/Description" and "Comprehensive Plan Implications" as set forth on p.2-3, concluding that Tier III is Lincoln's long-term growth area—perhaps 50 years and beyond. The Plan states that Lincoln should grow in multiple directions around the existing City. Northwest Lincoln does not have any Tier II growth areas, so a study of a larger area is appropriate to determine if there is infrastructure capacity in this growth area for Tier II urban development.
2. Comments submitted by other departments and agencies are found on p.11-13.
3. The minutes of the Planning Commission hearing and action are found on p.4.
4. There was no testimony in opposition.
5. On May 19, 2004, the Planning Commission agreed with the staff recommendation and voted 6-0 to recommend approval.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: June 1, 2004

REVIEWED BY: _____

DATE: June 1, 2004

REFERENCE NUMBER: FS\CC\2004\CPA.04016

2004 COMPREHENSIVE PLAN ANNUAL REVIEW

Comprehensive Plan Amendment No. 04016

April 28, 2004

Northwest Tier Study: Request Study of Infrastructure and Land Uses

Applicant	Location	Proposal
Mark Hunzeker on behalf of Larry Coffey	Approximately N. W. 27 th Street, north of Highway 34 to West “O” Street and west of N. W. 56 th Street, which are currently designated as Tier III.	Add a strategy to the Plan for a new “Northwest Tier Study”
Recommendation: Approval		

Status/Description

The applicant proposes to identify a study area of approximately two square miles generally between N.W. 56th & N.W. 40th Streets, from West Fletcher Avenue to West McKelvie Road. This area is designated as Tier III for future urban development. The applicant states that there are some urban services in this area and will be substantial road capacity in Highway 34 as it is improved to 4 lanes in the future. The applicant states that there is some area that should be designated as Tier II, and potentially Tier I for future urban development.

As a result of this application, the Planning Department proposes that the Comprehensive Plan be amended to identify a new “**Northwest Tier Study**” that would evaluate the Urban Growth Tiers in northwest Lincoln, from approximately N.W. 27th Street, north of Highway 34 to West “O” Street and west of N.W. 56th Street, which are currently designated as Tier III. The applicant has agreed that the study should be of a much larger area than the two square miles included in the application.

Tier III is Lincoln’s long-term growth areas - perhaps 50 years and beyond. The Plan states that no active development or infrastructure planning should occur within this Tier, in the 25-year planning period of the Comprehensive Plan. For the proposed infrastructure planning to occur in the near term, these areas would have to be part of the Tier II urban growth tier. Tier II is Lincoln’s growth area immediately beyond the 25-year planning period of the Tier I urban growth areas. Advanced utility and infrastructure analysis and planning is permitted within Tier II growth areas. The northwest area is the only area without land designated as Tier II.

Comprehensive Plan Implications

The Comprehensive Plan provides the following guidance on Lincoln’s Urban Growth Areas regarding Tiers I, II, and III in the section on Community Form on page F 28, it states:

“Tier I, II and III

The Comprehensive Plan includes three tiers of growth for the City of Lincoln. Tier I reflects the “Future Service Limit,” where urban services and inclusion in the city limits are anticipated by 2025. Infrastructure planning, especially for water and sanitary sewer facilities, can reach beyond the 25 year time horizon to 50 years and further. Tier II respects this extended planning horizon by showing areas where long term utility planning is occurring today with the expectation that these areas will follow Tier I as the next in line for urban growth. Tier III reflects an even more distant planning area — both in time and geography. Little active planning of utilities or service delivery is likely to occur in the near term in Tier III. A fuller description of each Tier is provided below:

Tier I: Defines the City of Lincoln's near term growth area – generally a 40 square mile area which could reasonably expect urban services within the next twenty five year period. Land within this area should remain generally in the present use in order to permit future urbanization by the City.

Tier II: An area of approximately 47 square miles intended to serve the following purposes: (1) to define the geographic area the city is assumed to grow into immediately beyond the twenty-five year time frame of Tier I; (2) to serve as the basis for long term, advanced utility planning; and; (3) to act as a secondary reserve area for urban growth should the Tier I area development occur more quickly than assumed for the twenty-five year period. Owing to the intended purposes of this Tier and the uncertainty of when the city may begin providing services to these areas, Tier II should also remain in its present use in order to provide for future urban development.

Tier III: Provides an approximately 98 square mile area for Lincoln's longer term growth potential – perhaps 50 years and beyond. While eventual urbanization of this area is expected, the Tier III area extends well beyond any urban-style development envisioned within the present Plan. Tier III should serve as a panoramic vision for City expansion in the distant future. No active development or infrastructure planning should occur within this Tier within the 25 year planning period of the Plan. Tier III should also remain in its present use in order to provide for future urban development."

The Comprehensive Plan identifies all of the northwest growth areas as Tier III. The Comprehensive Plan states on page F 17, "Lincoln's future urban growth should generally occur in multiple directions around the existing city." This objective provides support to review this area for designation as a future growth area, potentially in the Tier II planning period. While the Comprehensive Plan does not specifically mention a process on moving Tier III areas to Tier II growth areas, it can be reasonably assumed and practical to evaluate all future growth areas to make maximum use of existing and planned urban infrastructure.

Conclusion

Tier III is Lincoln's long-term growth area - perhaps 50 years and beyond. The Plan states that Lincoln should grow in multiple directions around the existing City. Northwest Lincoln does not have any Tier II growth areas, so a study of a larger area is appropriate to determine if there is infrastructure capacity in this growth area for Tier II urban development. Amend the Comprehensive Plan as follows:

1. Amend page F 32, at the end of the text on Tier II Priority Areas to add the following:

Northwest Tier Study: a review should be conducted of the Tier III growth areas, from approximately N. W. 27th Street, north of Highway 34, to West "O" Street, west of N. W. 56th Street, to determine which, if any areas, are appropriate for Tier II designation.

Prepared by
Duncan Ross, AICP dross@ci.lincoln.ne.us
Planning Department, (402) 441-7603

COMPREHENSIVE PLAN AMENDMENT NO. 04016

PUBLIC HEARING BEFORE PLANNING COMMISSION:

May 19, 2004

Members present: Carlson, Marvin, Taylor, Carroll, Krieser and Bills-Strand; Larson, Sunderman and Pearson absent.

Staff recommendation: Approval.

Proponents

1. **Mark Hunzeker** stated that this application was originally made for a much smaller area in the vicinity of N.W. 48th and Hwy 34. In reviewing it, the staff is recommending that a much larger area be studied and Hunzeker concurs. The reason this proposal came forward is that, as we were looking at the Comprehensive Plan in the areas that were likely to be served with the existing facilities, we discovered that the lower end of the drainage basin which serves the area has sewer capacity for approximately 1900 acres beyond what is identified as Tier I-A. Upon further inquiry, it was also discovered that there are some sewer improvements that are in the CIP budget over the next 2-3 years in that area, but, we discovered, somewhat to our chagrin, that the thinking at the moment was that those improvements would be sized only to serve those areas within Tier I. The thought was that maybe we should at least bring this into a little better long term focus so that some of the improvements would at least be sized to serve the ultimate area that could be served by the capacity down at the bottom of the pipe. We think this area is a good area for Lincoln to grow, especially with Highway 34 running right through it, which is scheduled for widening to four lanes out to Hwy 79. We have the state building a very large road that can be used by the city to serve urban development and we all know that we are woefully short of infrastructure dollars for street construction. We should take advantage of the state's road building program whenever possible to facilitate access in and out of our downtown. This is an area where construction of new homes will facilitate the future provision of more services for the Airpark area as well as opportunity to capture future commercial dollars that may otherwise not quite get into Lincoln.

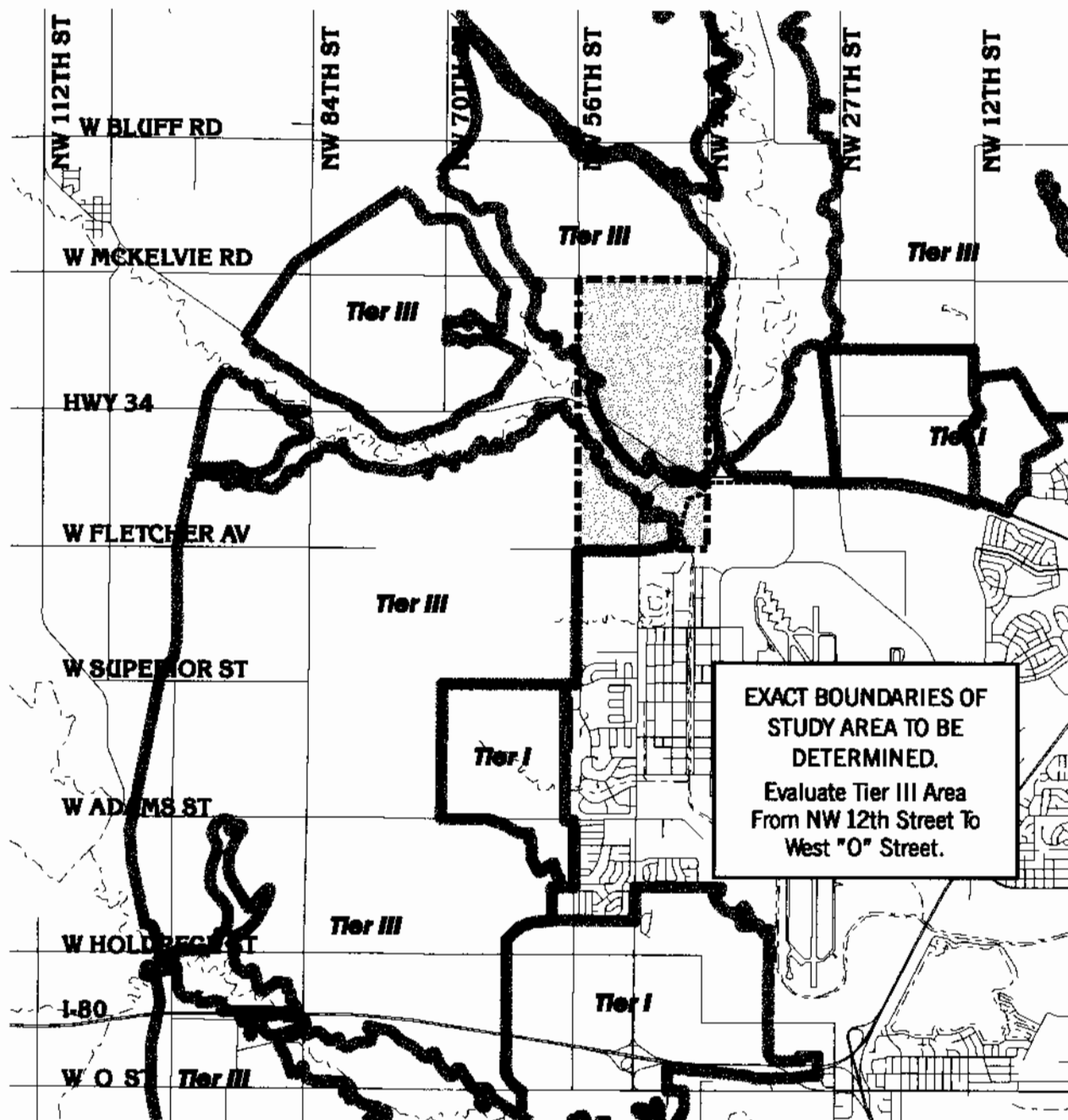
Hunzeker pointed out that this is just a study to determine how much area is easily served. We think this is a good idea and it is very likely we will find that this is an area that can be served sooner rather than later with a lot of the same infrastructure that will be built to serve the area north of Highway 34 and west of Fallbrook. We're much closer to some of the existing infrastructure here than we are in other areas in Tier I-A of the plan.

There was no testimony in opposition.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

May 19, 2004

Carroll moved approval, seconded by Krieser and carried 6-0: Carlson, Marvin, Taylor, Carroll, Krieser and Bills-Strand voting 'yes'; Larson, Sunderman and Pearson absent.



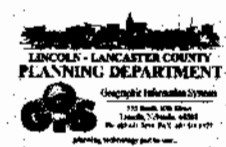
NW 56th & Highway 34

Proposed Amendment # 16

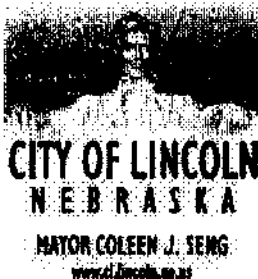
- Future Service Limit
- Tier I, II, & III Boundary



Applicant's Proposed Study Area



005



LINCOLN/LANCASTER COUNTY

2004

COMPREHENSIVE PLAN AMENDMENT APPLICATION

The use of this application is appropriate when a change to the adopted Lincoln/Lancaster County Comprehensive Plan is desired. The required questionnaire on the reverse side of this application must be completed as well. Applications for the 2004 Annual Review are due to the Planning Department no later than 4:30 p.m. on February 2, 2004.

PART I

Please print or type.

Date: 2-2-04

Applicant: Mark A. Hunzeker, on behalf of Larry Coffey

Mailing Address: 1045 Lincoln Mall #200

City: Lincoln State: NE Zip: 68508

Phone: (402) 476 7621

Contact (if not applicant): _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone: (____) _____

Application Fee of \$250.00 to the City of Lincoln.

If applicable, name of general area/location/site which would be affected by this proposed change (Attach additional sheets if necessary.).

North and west of the current city limits from NW 27th Street
to West Adams Street

Applicant Signature: _____

Date: 2/2/04

PLANNING DEPARTMENT USE ONLY:

RECEIPT NO. 417504

DATE 2-2-2004

FEE PAID \$250.00

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February 2, 2004

Marvin Krout, Director
Lincoln City / Lancaster County Planning Dept.
555 S. 10th Street
Lincoln, NE 68508

Re: Comprehensive Plan Amendment Application
Northwest Oak Creek Basin

Dear Marvin:

1. This application is to request that the area within the Oak Creek Drainage Basin, north and west of the current city limits between approximately Northwest 27th Street and West Adams Street, be studied for inclusion within Tier II of the Urban Growth Tiers shown on pages F30, F32, and F34, and as a Tier II Priority Area on the map shown on page F34. I have included for your reference a map which describes land which is either controlled by my client, Larry Coffey, or could easily be served by utilities extended to serve Mr. Coffey's property.

Clearly, there is other land within the broader area I have described which ought to be considered as this proposed study is completed.

At the lower end of the sewer line which would serve this area is capacity for approximately 1,900 acres of land beyond Tier I.

2. The area within the proposed study is nearly all shown as Tier III in the Comprehensive Plan, with the exception of approximately one section just north of West Adams, part of which is Tier I and part is Tier II.

3. We expect little if any fiscal impact from studying the feasibility/desirability of bringing this area into an earlier phase of development in the Comprehensive Plan. We propose to study the use of existing sewer capacity (including improvements in the current CIP), together with extensions of water (which is available in sufficient quantities to serve the area) and inclusion of certain section line roads as future arterial streets.

A major benefit of including this area in an earlier phase is the existence and imminent widening of Highway 34. The State of Nebraska intends to widen Highway 34 to four lanes in this area. Right-of-way acquisition for the widening is planned for this year.

Providing a growth area which could take advantage of this existing major transportation corridor would maximize the use of this major facility, and take advantage of infrastructure investments being made by the State of Nebraska. Given the fact that streets are the highest cost item of infrastructure, it seems to make sense to take advantage of state highway improvements.

Moreover, changes to the airport noise contours make residential and commercial development in this area more desirable. More rooftops in the area will mean a greater likelihood of commercial development to serve the Airpark area as well.

This area is closer to existing sewer and water mains than much of the land within the Tier I designated areas. It would require extensions of some moderate sized water and sewer mains, but not nearly as large, nor as far as some Tier I areas.

4. We believe that development in this area would further several of the stated policies and objectives of the Comprehensive Plan.

The Vision of the Plan highlights downtown as the "heartbeat of the community" and the need to "reinforce the district as a center of entertainment, and to provide a rich diversity of activities and uses." By encouraging additional development to the northwest of downtown, within a very short drive, downtown will be strengthened.

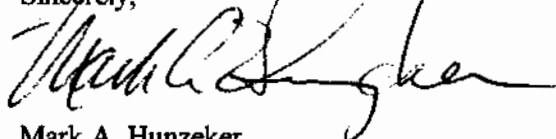
Also, from the guiding principles for the urban environment (page F19), "Lincoln's future urban growth should generally occur in multiple directions around the existing city." The Plan also states that we should "maximize the community's present infrastructure investment by planning for residential and commercial development in areas with available capacity."

Finally, one of the "principles for priority areas" is: "In order to implement the Plan Vision, infrastructure should generally be provided in different directional growth areas, depending upon limited financial resources and if there is development interest in the area." Moreover, the use of current infrastructure provides for maximizing current investments and the use of State-funded improvements.

Marvin Krout
February 2, 2004
Page 3

We hope you will agree that this study should be done.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark A. Hunzeker", written in a cursive style.


Mark A. Hunzeker
For the Firm

MAH:la
Enclosures

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Mr. Stephen Hendrichsen
March 3, 2004
Page 2

#04016

 This area proposed for study is located northwest of the airport, the majority of it on the extended centerline to our crosswind runway, Runway 14/32. Most, if not all, of this area is also within the Airport Environs Noise District and a portion of the area is within the proposed 60 LDN noise contour.

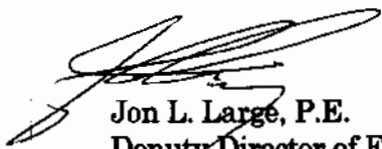
We would suggest consideration of compatible land uses in whatever development may be proposed for this area, given the noise generated by approaching and departing aircraft in this area, as well as the visual impact of the relatively low altitude of these particular operations.

Avigation easements would appear to be required for any development within the proposed area and again, given the proximity to the airport, we would strongly suggest informational signage indicating that the area is within the District.

If you have any questions concerning my comments, please feel free to give me a call.

Sincerely,

AIRPORT AUTHORITY


Jon L. Large, P.E.
Deputy Director of Engineering

JLL/lb


Amendment 04014 — NW 70th & West Superior

The proposed area is currently a Tier I Priority A area. This area would be served by an extension of a sewer connected by an extension of a sewer connected to the end of an existing 21" diameter line at approximately NW 66th St and west Luke St. extended. However, downstream improvements on the existing trunk lines and Oak Creek siphon located on West Mathis St and the Oak Creek Trunk Sewer west of the Airport Runway are necessary to increase capacity and to serve the added flows from this area. These improvements are currently identified in the 2003-09 CIP for completion in 2007. These improvements require approval of the CIP in upcoming years. Achieving the Oak Creek Trunk Sewer Construction project as listed in the 2003-09 CIP will require sewer rate increases. Sewers 8" and smaller required to serve this area will be at the Developer's expense. The Theresa Street Treatment Plant has available capacity to serve this development.

Amendment 04015 — South 70th & Yankee Hill Road

This proposed area is the quarter section on the southeast corner of 70th & Yankee Hill Road. Before this area could be served the Beal Slough Relief Sewer Phase I must be completed and a trunk sewer would need to be extended from the existing end of the trunk line located at approximately 66th and Pine Lake Road. The Beal Slough Relief sewer and the extension of this sub-basin trunk line into this area is currently shown in the 2003-09 CIP and scheduled for completion in 2006. This identified future CIP project requires approval of the CIP in the upcoming years. Achieving the construction projects shown in the CIP will require sewer rate increases. Additional 8" sewers will be required to serve this area at the developer's expense. The Theresa Street Treatment Plant has available capacity to serve this development.

Amendment 04016 — Northwest Oak Creek Basin

 The proposed area is a large area with multiple areas of development encompassing areas south, west, and north of the airport. Some of the areas identified in this amendment are currently in Tiers I, II, and III. Additional information will be required to make a recommendation. A number of downstream improvements have been identified in the 2003-09 CIP that are necessary to serve this area. A detailed engineering study is necessary to determine the sub-basin sewer requirements for serving this proposed area. Achieving the construction projects shown in the CIP will require sewer rate increases. Additional 8" sewers will be required to serve this area at the developer's expense. The Theresa Street Treatment Plant has available capacity to serve this development.

Amendment 02001 — 84th & Van Dorn

The proposed area is in the Stevens Creek Basin. This area can be served by the future Stevens Creek Trunk Sewer. The Stevens Creek Trunk Sewer is not scheduled to reach this area, Van Dorn Street, within the next 15 years. Achieving the Stevens Creek Trunk Sewer Construction project as listed in the 2003-09 CIP will require sewer rate increases. These improvements require approval of the CIP in upcoming years. Sewers 8" and smaller required to serve this area will be at the Developer's expense. The Northeast Treatment Plant has available capacity to serve this development.

4015 S. 70th & Yankee Hill Road - A large diameter (not tappable) distribution main is scheduled for FYE 2008 in Yankee Hill from 56th to 84th. A 16" main in 70th, from Yankee Hill south is necessary to provide adequate service and fire protection to this area. This main is not shown in the current CIP. Interior 12" mains would be built along with the developments, and would be subsidized by the City.

4016 NW 40th & Highway 34 - This area was not considered for growth or development when the most recent LWS Facilities Master Plan was developed. An update to the Master Plan is scheduled in the CIP for FYE 2007. A separate evaluation of this area should be performed, if the proposed limits of development and land uses were provided. This should be coordinated with any other engineering work, in the evaluation of this sub-area.

Please note, that in each case above, where a year is shown in the future for the CIP, that such a schedule is totally dependent upon approval of future rate increases to provide financing for the proposed plan.

Please feel free to contact me at 1-5931 if you have any questions regarding any of the above comments.